

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In regard to the application of: Amir LOSHAKOVE, et al.

Serial No : 10/668,059

Group Art Unit: 3731

Filed : September 22, 2003

Examiner: Unknown

For : METHOD AND APPARATUS FOR FORMING APERTURES IN BLOOD
VESSELS

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully direct the attention of the Examiner to art cited with respect to U.S. application No. 10/668,059 which is a continuation under 35 U.S.C. §111(a) of PCT Application No. PCT/IL02/00215. The present application is also a Continuation-In-Part (CIP) under 35 U.S.C. §111(a) of U.S. Application No. 10/459,373, U.S. Application No. 10/402,375, U.S. Application No. 10/459,407, U.S. Application No. 10/239,387, U.S. Application No. 10/239,364, U.S. Application No. 10/239,365, U.S. Application No. 10/221,982, U.S. Application No. 10/149,364, U.S. Application No. 09/936,805, U.S. Application No. 09/936,806, U.S. Application No. 09/701,531, and claims the benefit under 35 U.S.C. §119(e) of U.S. Provisional Application No. 60/254,689.

The Examiner is respectfully requested to review and consider this art, in accordance with MPEP 2001.06, and to indicate in the first office action that he has considered this art. Additionally, the Examiner is respectfully requested to cite those prior art publications mentioned in this application which the Examiner considers to be material or relevant to the present claims.

Further, in order to comply with discretionary regulations 37 C.F.R. §1.97 and §1.98, attached is an Equivalent to Form PTO-1449 listing the cited art. Also attached are copies¹ of the art. This art contains information which the examiner may consider to be important in deciding whether to allow the present application to issue as a patent.

Copies of items 1-16, 18-135, 137-144, 146-148, 150, 152-154, 156-159, 161-165, 169-171, 176-187, 189-196, 198-201, 206 and 213-215 are not attached as they are available in parent file U.S. Application No. 09/701,531 filed on November 28, 2000. Copies of items 136, 145, 149, 151, 155, 160, 166-168, 174, 175, 188, 197, 202-205 and 216-220 are not attached as they are available in parent file U.S. Application No. 09/936,806 filed on September 17, 2001. Copy of item 229 is not attached as it is available in parent file U.S. Application No. 09/936,805 filed on September 17, 2001. Copies of items 221-228, 230 and 231 are not attached as they are available in parent file U.S. Application No. 10/149,364 filed on June 7, 2002. Copies of items 172, 173 and 232 are not attached as they are available in parent file U.S. Application No. 10/239,364 filed on May 15, 2003. Copies of items 207-211 and 233-235 are not attached as they are available in parent file U.S. Application No. 10/459,407 filed on November 6, 2003. Copy of item 212 is not attached as it is available in parent file U.S. Application No. 10/459,373 filed on November 6, 2003.

European patent EP 0 916 314 (item 17) is in a foreign language. Applicants attach a copy of an English language abstract to its respective references.

Although IT Publication No. 1215699 (item 20) is in a foreign language, the US equivalent is not known to the applicants and is therefore not provided.

In accordance with MPEP Section 609 it is requested that each document cited (including any mentioned in Applicants' specification which is not repeated on the attached PTO-1449 form or equivalent) be given thorough consideration and be cited of record in the prosecution history of the present application by initialing on the PTO-1449 form or its equivalent, so that it will appear on the face of the patent issuing on the present application,

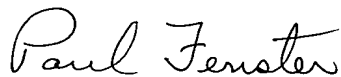
¹ To the extent that a document is listed and no copy of same is attached, then such document is not at the present time available to the undersigned or is available in the national stage file. If a listed document is not in the English language and an English translation is readily available, such translation is also attached; if translation is not attached, it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then such an equivalent patent is also cited on the attached form along with the corresponding foreign

even if the Examiner does not consider it sufficiently pertinent to use in a rejection, or otherwise does not believe that the guidelines for citation have been fully complied with.

The present Information Disclosure Statement is being submitted in compliance with 37 C.F.R. §1.56 as an Examiner might consider any cited document important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 C.F.R. §1.104(a), and in the course of such search will review for relevance every document cited on the attached form.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,
Amir LOSHAKOVE et al.

A handwritten signature in cursive script that reads "Paul Fenster". The signature is written in dark ink and is positioned above a horizontal line.

Paul FENSTER,
Registration No. 33,877

January 19, 2004
William H. Dippert, Esq.
Reed Smith LLP
599 Lexington Avenue, 29th Floor
New York, NY 10022-7650

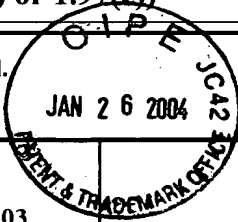
Tel: (212) 521-5400

language patent and a connecting arrow indicated therebetween; if no such English language equivalent is cited then none is known to the undersigned.

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
088/03730

In Re Application Of: Amir LOSHAKOVE et al.



Serial No.
10/668,059

Filing Date
September 22, 2003

Examiner
Unknown

Group Art Unit
3731

Title: **METHOD AND APPARATUS FOR FORMING APERTURES IN BLOOD VESSELS**

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

37 CFR 1.97(b)

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

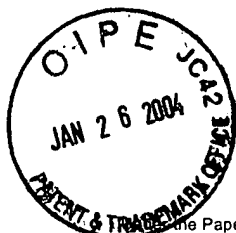
37 CFR 1.97(c)

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

☐ the statement specified in 37 CFR 1.97(e);

OR

☐ the fee set forth in 37 CFR 1.17(p).



PTO/SB92 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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on January 23, 2004
Date

Geraldine Gress

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599 Lexington Avenue
29th Floor
New York, New York 10022-7650
Tel: 212-521-5400; Fax: 212-521-5450

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Applicant: Amir Loshakove, et al.
Serial No: 10/668,059
Filing Date: September 22, 2003
For: METHOD AND APPARATUS FOR FORMING APERTURES IN BLOOD VESSELS
Enclosures: (1) Transmittal of Information Disclosure Statement (1 page);
(2) Information Disclosure Statement (3 pages) w/IDS Citation (12 pages) & one cited reference;
(3) Acknowledgement Postcard.

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)	ATTY DOCKET NO. 088/03730	SERIAL NO. 10/668,059
	APPLICANT(S) Amir LOSHAKOVE, et al.	
	FILING September 22, 2003	GROUP 3731



U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	Filing date if appropriate
	1	Des 372,310	30 Jul '96	HARTNETT, T. M.			
	2	1,867,624	19 Jul '32	HOFFMAN, W. J.			
	3	2,505,358	25 Apr '50	GUSBERG, S. B. et al.			
	4	2,994,321	01 Aug '61	TISCHLER, L. P.			
	5	3,104,666	24 Sep '63	HALE, M. T. et al.			
	6	3,180,337	27 Apr '65	SMIALOWSKI, A. J.			
	7	3,221,746	07 Dec '65	NOBLE, J. M.			
	8	3,519,187	07 Jul '70	KAPITANOV, N. N. et al.			
	9	3,657,744	25 Apr '72	ERSEK, R. A.			
	10	3,776,237	04 Dec '73	HILL, J. D. et al.			
	11	3,837,345	24 Sep '74	MATAR, A. F.			
	12	3,901,243	26 Aug '75	READ, L.			
	13	3,908,662	30 Sep '75	RAZGULOV, M. M. et al.			
	14	4,018,228	19 Apr '77	GOOSEN, C. C.			
	15	4,214,586	29 Jul '80	MERICLE, R. W.			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO
	16	EP 0 539 237	28 Apr '93	EUROPE				
	17	EP 0 916 314	19 May '99	EUROPE			√	
	18	EP 1 055 401	29 Nov '00	EUROPE				
	19	GB 2 094 212	15 Sep '82	UNITED KINGDOM				
	20	IT 1215699	22 Feb '90	ITALY				

OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)

21	DRANEY, M. et al.; "Coronary Artery Bypass Surgery: Minimally Invasive Techniques"; May 1998; Retrieved from Internet: < http://me210abc.stanford.edu/94-95/projects/Pfizer/Spring/1.html >
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EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)	ATTY DOCKET NO. 088/03730	SERIAL NO. 10/668,059
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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	Filing date if appropriate
	22	4,214,587	29 Jul '80	SAKURA, JR., C. Y.			
	23	4,216,776	12 Aug '80	DOWNIE, D. E. et al.			
	24	4,352,358	05 Oct '82	ANGELCHIK, J. P.			
	25	4,366,819	04 Jan '83	KASTER, R. L.			
	26	4,368,734	18 Jan '83	BANKO, A.			
	27	4,368,736	18 Jan '83	KASTER, R. L.			
	28	4,523,592	18 Jun '85	DANIEL, R. K.			
	29	4,657,019	14 Apr '87	WALSH, D. J. et al.			
	30	4,696,300	29 Sep '87	ANDERSON, G.			
	31	4,696,308	29 Sep '87	MELLER, B. T. et al.			
	32	4,846,174	11 Jul '89	WILLARD, L. K. et al.			
	33	4,872,874	10 Oct '89	TAHERI, S. A.			
	34	4,917,087	17 Apr '90	WALSH, D. J. et al.			
	35	4,926,858	22 May '90	GIFFORD, III, H. S. et al.			
	36	4,930,502	05 Jun '90	CHEN, F. H.			

FOREIGN PATENT DOCUMENTS

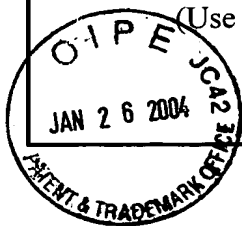
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO
	37	WO 89/06515	27 Jul '89	PCT				
	38	WO 89/08433	21 Sep '89	PCT				
	39	WO 96/25886	29 Aug '96	PCT				
	40	WO 96/33673	31 Oct '96	PCT				
	41	WO 97/13463	17 Apr '97	PCT				

OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)

	42	OBORA, Y. et al.; "Nonsuture Microvascular Anastomosis Using Magnet Rings: Preliminary Report"; February 1978; pp. 117-120; Sur Neurol (United States); Vol. 9, No. 2
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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	Filing date if appropriate
	43	4,930,674	05 Jun '90	BARAK, J. H.			
	44	4,997,439	05 Mar '91	CHEN, F. H.			
	45	5,009,643	23 Apr '91	REICH, H. et al.			
	46	5,035,702	30 Jul '91	TAHERI, S. A.			
	47	5,041,082	20 Aug '91	SHIBER, S.			
	48	5,129,913	14 Jul '92	RUPPERT, N.			
	49	5,192,294	09 Mar '93	BLAKE, III, J. W.			
	50	5,201,901	13 Apr '93	HARADA, F. et al.			
	51	5,234,447	10 Aug '93	KASTER, R. L. et al.			
	52	5,234,448	10 Aug '93	WHOLEY, M. H. et al.			
	53	5,236,437	17 Aug '93	WILK, P. J. et al.			
	54	5,250,058	05 Oct '93	MILLER, M. B. et al.			
	55	5,254,127	19 Oct '93	WHOLEY, M. H. et al.			
	56	5,275,622	04 Jan '94	LAZARUS, H. M. et al.			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO
	57	WO 97/13471	17 Apr '97	PCT				
	58	WO 97/27898	07 Aug '97	PCT				
	59	WO 97/28749	14 Aug '97	PCT				
	60	WO 97/40754	06 Nov '97	PCT				
	61	WO 98/19629	14 May '98	PCT				

OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)

	62	ÖSTRUP, L. T. et al.; "The UNILINK Instrument System for Fast and Safe Microvascular Anastomosis"; pp. 521-526; Department of Plastic Surgery, Hand Surgery, and Burns; University Hospital, Sweden; presented in part at the First Scandinavian Seminar on Reconstructive Microsurgery, Sweden, October 1979, and at the Symposium on Microneurovascular Surgery, Denmark, January 1983
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EXAMINER	DATE CONSIDERED
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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	Filing date if appropriate
	63	5,284,485	08 Feb '94	KAMMERER, G. W. et al.			
	64	5,323,765	28 Jun '94	BROWN, M. G.			
	65	5,366,462	22 Nov '94	KAster, R. L. et al.			
	66	5,392,979	28 Feb '95	GREEN, D. T. et al.			
	67	5,403,333	04 Apr '95	KAster, R. L. et al.			
	68	5,403,338	04 Apr '95	MILO, S.			
	69	5,425,739	20 Jun '95	JESSEN, J. W.			
	70	5,441,517	15 Aug '95	KENSEY, K. et al.			
	71	5,445,623	29 Aug '95	RICHMOND, F. M.			
	72	5,445,632	29 Aug '95	BLAKE, K. R. et al.			
	73	5,456,712	10 Oct '95	MAGNIOT, T. J.			
	74	5,478,353	26 Dec '95	YOON, I.			
	75	5,484,451	16 Jun '96	AKOPOV, E. et al.			
	76	5,536,251	16 Jul '96	EVARD, P. C. et al.			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO
	77	WO 98/19634	14 May '98	PCT				
	78	WO 98/19635	14 May '98	PCT				
	79	WO 98/19636	14 May '98	PCT				
	80	WO 98/30152	16 Jul '98	PCT				
	81	WO 98/32412	30 Jul '98	PCT				

OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)

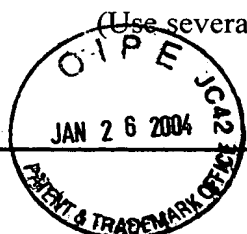
82	YACHIA, D. et al.; "Bio-Fragmentable Anastomosis Ring in Urological Surgery Involving the Gastrointestinal Tract: Early Experiences and a Historical Review of Mechanical Intestinal Anastomosis"; May 1995; pp. 1426-1428; The Journal of Urology; Vol. 153
EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

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PAGE 4 OF 12

INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)	ATTY DOCKET NO. 088/03730	SERIAL NO. 10/668,059
	APPLICANT(S) Amir LOSHAKOVE, et al.	
	FILING September 22, 2003	GROUP 3731



U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	Filing date if appropriate
	83	5,540,715	30 Jul '96	KATSAROS, G. et al.			
	84	5,562,690	08 Oct '96	GREEN, D. T. et al.			
	85	5,562,728	08 Oct '96	LAZARUS, H. M. et al.			
	86	5,575,800	19 Nov '96	GORDON, N. S.			
	87	5,658,282	19 Aug '97	DAW, D. J. et al.			
	88	5,676,670	14 Oct '97	KIM, D.			
	89	5,676,696	14 Oct '97	MARCADE, J. P.			
	90	5,690,656	25 Nov '97	COPE, C. et al.			
	91	5,690,662	25 Nov '97	CHIU, D. T. W. et al.			
	92	5,695,504	09 Dec '97	GIFFORD, III, H. S. et al.			
	93	5,702,412	30 Dec '97	POPOV, A. et al.			
	94	5,707,380	13 Jan '98	HINCHLIFFE, P. W. J. et al.			
	95	5,709,335	20 Jan '98	HECK, C. F.			
	96	5,733,308	31 Mar '98	DAUGHERTY, J. R. et al.			
	97	5,755,778	26 May '98	KLESHINSKI, S. J.			

FOREIGN PATENT DOCUMENTS

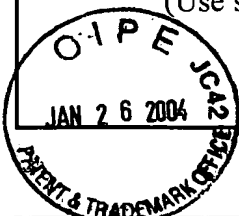
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO
	98	WO 98/38922	11 Sep '98	PCT				
	99	WO 98/38939	11 Sep '98	PCT				
	100	WO 98/38941	11 Sep '98	PCT				
	101	WO 98/38942	11 Sep '98	PCT				
	102	WO 98/55027	10 Dec '98	PCT				

OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)

	103	Copy of Certified Copy of USSN 09/187,361, published on May 18, 2000, GALDONIK, J. A. et al., "Medical Graft Component and Methods of Installing Same"
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EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)	ATTY DOCKET NO. 088/03730	SERIAL NO. 10/668,059
	APPLICANT(S) Amir LOSHAKOVE, et al.	
	FILING September 22, 2003	GROUP 3731



U.S. PATENT DOCUMENTS

EXAMINE R INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	Filing date if appropriate
	104	5,758,663	02 Jun '98	WILK, P. J. et al.			
	105	5,797,920	25 Aug '98	KIM, D.			
	106	5,797,934	25 Aug '98	RYGAARD, J. A.			
	107	5,817,111	06 Oct '98	RIZA, E. D.			
	108	5,817,113	06 Oct '98	GIFFORD, III, H. S. et al.			
	109	5,823,971	20 Oct '98	ROBINSON, D. E. et al.			
	110	5,824,002	20 Oct '98	GENTELIA, J. S. et al.			
	111	5,824,008	20 Oct '98	BOLDUC, L. et al.			
	112	5,827,316	27 Oct '98	YOUNG, L. L. et al.			
	113	5,830,222	03 Nov '98	MAKOWER, J.			
	114	5,833,698	10 Nov '98	HINCHLIFFE, P. W. J. et al.			
	115	5,868,763	09 Feb '99	SPENCE, P. A. et al.			
	116	5,893,369	13 Apr '99	LEMOLE, G. M.			
	117	5,910,153	08 Jun '99	MAYENBERGER, R.			
	118	5,910,155	08 Jun '99	RATCLIFF, K. et al.			

FOREIGN PATENT DOCUMENTS

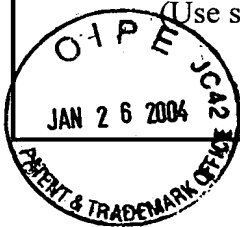
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO
	119	WO 98/57591	23 Dec '98	PCT				
	120	WO 98/57592	23 Dec '98	PCT				
	121	WO 99/21491	06 May '99	PCT				
	122	WO 99/37218	29 Jul '99	PCT				
	123	WO 99/38441	05 Aug '99	PCT				

OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)

	124	Copy of Certified Copy of USSN 09/187,364, published on May 18, 2000, BERG, T. A. et al., "Minimally Invasive Revascularization Apparatus and Methods"
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EXAMINER	DATE CONSIDERED
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	FILING September 22, 2003	GROUP 3731



U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	Filing date if appropriate
	125	5,922,000	13 Jul '99	CHODOROW, I. S.			
	126	5,931,842	03 Aug '99	GOLDSTEEN, D. S. et al.			
	127	5,957,973	28 Sep '99	QUIACHON, D. B. et al.			
	128	5,972,014	26 Oct '99	NEVINS, M.			
	129	5,976,159	02 Nov '99	BOLDUC, L. R. et al.			
	130	5,976,178	02 Nov '99	GOLDSTEEN, D. S.			
	131	5,989,287	23 Nov '99	YANG, J. et al.			
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							YES	NO
	140	WO 99/40851	19 Aug '99	PCT				
	141	WO 99/40868	19 Aug '99	PCT				
	142	WO 99/65409	23 Dec '99	PCT				
	143	WO 00/21436	20 Apr '00	PCT				
	144	WO 00/27311	18 May '00	PCT				

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	145	Copy of Certified Copy of USSN 09/324,997, published on September 14, 2000, GRUDEM, J. et al., "Medical Grafting Methods and Apparatus"
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	APPLICANT(S) Amir LOSHAKOVE, et al.	
	FILING September 22, 2003	GROUP 3731

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							YES	NO
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	163	WO 00/45886	10 Aug '00	PCT				
	164	WO 00/53104	14 Sep '00	PCT				
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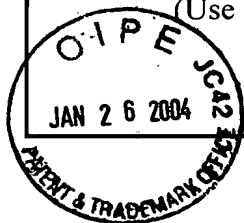
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	180	WO 00/66009	09 Nov '00	PCT				
	181	WO 00/69343	23 Nov '00	PCT				
	182	WO 00/69346	23 Nov '00	PCT				
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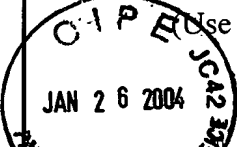
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	218	WO 01/19259	22 Mar '01	PCT				
	219	WO 01/26562	19 Apr '01	PCT				
	220	WO 01/30444	03 May '01	PCT				
	221	WO 01/78801	25 Oct '01	PCT				
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	223	WO 01/91628	06 Dec '01	PCT				
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	226	WO 02/07610	31 Jan '02	PCT				
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